

**No. PD-0181-17**

**IN THE COURT OF CRIMINAL APPEALS**

FILED  
COURT OF CRIMINAL APPEALS  
8/22/2017  
DEANA WILLIAMSON, CLERK

**JUAN ANTONIO GONZALEZ**

**APPELLANT**

**V.**

**THE STATE OF TEXAS**

**APPELLEE**

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**APPELLANT'S RESPONSE TO  
STATE'S RESPONSES REGARDING BAIL**

TO THE HONORABLE COURT OF CRIMINAL APPEALS:

**PROCEDURAL HISTORY**

Appellant is currently confined to the McConnell Unit of the Texas Department of Criminal Justice. He is serving a 50-year sentence for a murder conviction out of the 346<sup>th</sup> District Court of El Paso, Texas.

The Eight Court of Appeals reversed Appellant's conviction on January 25, 2017. A judgment was entered that same date, remanding the cause for a new trial. The State filed a petition for discretionary review on February 24, 2017. Both parties have filed briefs. This Honorable Court has not made a decision to date. The appellate process continues.

## RESPONSE TO STATE'S RESPONSES

1. While awaiting trial, Gonzalez's bail was set at 2 million. Gonzalez was awaiting trial for capital murder. Gonzalez has since been acquitted of capital murder. The most serious charge is currently murder. Based on the witness testimony, it is questionable whether there is even sufficient evidence to find Gonzalez guilty of manslaughter, much less murder.
2. The State's description of the case as a brutal murder is unfounded. The witnesses at the scene described a fight between a 30 year old man (the decedent) and a 17 year old boy. The fight lasted less than ten seconds. As per the medical examiner, the cause of death was a blow to the head from an uninterrupted fall. The fall occurred when Gonzalez tackled decedent after decedent aggressively shoved his shoulder into Gonzalez's chest. Witnesses stated that Gonzalez punched decedent two or three times after the fall but then immediately got up and left. Prior to the fight, Gonzalez and his friends had attempted to walk away from decedent. It was decedent who insisted on confronting Gonzalez. The offense occurred in the afternoon, while Gonzalez was walking home from school with his friends.
3. The State's description of Gonzalez's flippant attitude about fighting and Gonzalez's bad temper are also unfounded. The testimony at trial was that

Gonzalez and his friend would wrestle at home when they were younger. Gonzalez had learned some take down moves while taking some judo classes, several years prior to the fight. Gonzalez learned the moves as a way to defend oneself from a bigger, heavier aggressor, which the decedent was.

4. As pertains to Gonzalez's work record, he was 17 at the time of his arrest. He was still in school at the time. If released, Gonzalez would like to continue with school and begin to work, if he is able to obtain employment. (Gonzalez mentions going back to college and becoming a veterinarian in one of the letters attached to the State's response)
5. Gonzalez provided alternate addresses of people who are willing to vouch for him and would be willing to co-sign any bail set by this Court.
6. With regards to the merits of the appeal, the Eighth Court left many issues unresolved. The unresolved issues are issues that the Eighth Court was very concerned with during oral argument. These issues may also justify the Eighth Court's grant of a new trial or, an acquittal on the murder charges.
7. Finally, the State has filed appendices which include an interview of Juan Antonio Gomez, an individual that refused to testify at trial, and Alan Medrano, an individual that did testify at trial. This Court should consider the sworn testimony that was presented at trial not the unsworn testimony

presented in the attached appendices. (C through F). The alleged fight mentioned in the State's last response, that occurred with another inmate, should be discounted as the State never chose to pursue that case, for whatever unknown reason.

8. Gonzalez believes that a reasonable bail given the circumstances of this case is \$50,000 to \$100,000.

### **PRAYER**

Appellant prays the Court grant this Motion to Set Bond and provide Appellant with reasonable bail.

Respectfully submitted,

/s/ Ruben P. Morales  
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### **CERTIFICATE OF SERVICE**

I certify that a copy of Appellant's Motion to Set Bond was sent by email, through an electronic-filing-service provider to appellee's attorney: Raquel Lopez, raqlopez@epcounty.com and the State Prosecuting Attorney, information@SPA.texas.gov.

/s/ Ruben P. Morales  
Ruben P. Morales